

AGREEMENT

PROJECT: LINCOLN-CNSR(SPAC)
STATE CONTROL NUMBER 12841
CITY OF LINCOLN
STATE OF NEBRASKA, DEPARTMENT OF ROADS
CONSERVATION EASEMENTS, LINCOLN SOUTH BELTWAY

THIS AGREEMENT is entered into between the City of Lincoln, hereinafter referred to as the "City", and the State of Nebraska, Department of Roads, hereinafter referred to as the "State,"

WHEREAS, the State has plans for the construction of Project DPU-2-6(117), LINCOLN SOUTH BELTWAY 27TH TO 84TH, CONTROL NO. 12578A, and Project DPU-2-6(119), US-77 to 27th Street, Control No. 12578C, as shown on Exhibit "A", attached hereto and hereby made a part of this agreement, and hereinafter referred to as the "Projects", and plans to acquire new right-of-way for the Projects.

WHEREAS, the City desires to acquire conservation easements to preserve the drainage way and floodplain, hereinafter referred to as the "Easements" adjacent to the Projects, as shown on Exhibit "A", in conjunction with the Projects, and

NOW THEREFORE, in considerations of these facts, the City and the State agree as follows:

SECTION 1: The City agrees to:

- a) Design and provide to the State, at no cost to the State, the Right-of-Way Design plans for the Easements by September 15, 2006.
- b) To prepare and furnish to the State, at no cost to the State, the acquisition documents for the Easements two weeks after receiving the right-of-way appraisals from the State.
- c) Reimburse the State for all costs incurred by the State, for conducting the right-of-way appraisals for the Easements, within thirty days after receipt of a billing from the State. The cost for performing the appraisals is currently estimated at \$10,000; however, both parties recognize this is a preliminary estimate only and that the final costs may be higher or lower.

SECTION 2: The State agrees to:

- a) Perform the appraisals for the Easements when it is located upon properties which the State will be appraising in conjunction with the Projects.
- b) Provide the City the right-of-way aforementioned appraisals for the Easements.

c) To present, on behalf of the City, the City's documents for acquisition of the right-of-way for the Easements, and return to the City the acquisition documents that have been signed or need further action by the City.

SECTION 3: At the completion of the appraisals, the State will bill the City.

SECTION 4 This agreement is entered into pursuant to the Interlocal Cooperation Act, Neb.Rev.Stat. 13-801 to 13-827. No separate local entity will be created as a result of this agreement.

IN WITNESS WHEREOF, the State and City have caused these presents to be executed by their proper officials thereunto duly authorized as of the dates below indicated.

EXECUTED by the City this ____ day of _____, 2006.

ATTEST:

CITY OF LINCOLN

Clerk

Mayor

EXECUTED by the State this ____ day of _____, 2006.

STATE OF NEBRASKA
DEPARTMENT OF ROADS

Roadway Design Engineer

RECOMMENDED:

District Engineer

AGR12-SS

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